

17 JAN 2005

## PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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PCT

ACTION: Respond to written opinionDEADLINE: 13 March 2005

REMINDER: \_\_\_\_\_

ENTRY: 9A2CHECKED: 17

WRITTEN OPINION OF THE  
INTERNATIONAL PRELIMINARY  
EXAMINING AUTHORITY

(PCT Rule 66)

Date of mailing  
(day/month/year)

13.01.2005

Applicant's or agent's file reference  
01013.0327.00PCOO

REPLY DUE

within 2 month(s)  
from the above date of mailing

International application No.  
PCT/EP 03/14159

International filing date (day/month/year)  
12.12.2003

Priority date (day/month/year)  
13.12.2002

International Patent Classification (IPC) or both national classification and IPC  
B61F5/30

Applicant

BOMBARDIER TRANSPORTATION GMBH et al.

NA	JB	MB
17 JAN 2005		
PC	WD	DO
Form.		KR

- ☒ The written opinion established by the International Searching Authority  
☒ is ☐ is not  
considered to be a written opinion of the International Preliminary Examining Authority
- This second report contains indications relating to the following items:
  - ☒ Box No. I Basis of the opinion
  - ☐ Box No. II Priority
  - ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - ☐ Box No. IV Lack of unity of invention
  - ☒ Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - ☐ Box No. VI Certain documents cited
  - ☐ Box No. VII Certain defects in the international application
  - ☒ Box No. VIII Certain observations on the international application

- The applicant is hereby invited to reply to this opinion.

**When?** See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(e).

**How?** By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

**Also:** For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis. For an informal communication with the examiner, see Rule 66.6. For an additional opportunity to submit amendments, see Rule 66.4.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

- The final date by which the international preliminary report on patentability (Chapter II of the PCT) must be established according to Rule 69.2 is: 13.04.2005

Name and mailing address of the international  
preliminary examining authority:

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PRELIMINARY EXAMINING AUTHORITY**

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This opinion is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this opinion is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed")*:

**Description, Pages**

1-8 as originally filed

**Claims, Numbers**

1-20 received on 09.09.2004 with letter of 07.09.2004

**Drawings, Sheets**

1/2, 2/2 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):

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**Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

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1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 14,17,20

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 14,17,20 are so unclear that no meaningful opinion could be formed (*specify*):

**see separate sheet**

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search opinion has been established for the said claims Nos.

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☐ See supplemental sheet for further details

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**Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	1-13, 15, 16, 19
	No: Claims	18
Inventive step (IS)	Yes: Claims	1-13, 15, 16, 19
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-13, 15, 16, 19
	No: Claims	

2. Citations and explanations:

**see separate sheet**

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**Box No. VIII Certain observations on the international application**

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The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

TO POINT V (and VIII)

I CLAIM 1 AND CLAIMS 2-13 DEPENDING THEREON

1. PRIOR ART : The wheel set guidance assembly described in document **EP-A1-0 073 119** appears to be the available prior art coming closer to the subject-matter of Claim 1. Said document will be referred to as the **D1** in the remainder of the procedure.

2. ARTICLE 33 PCT: **D1** discloses in the figures a wheel set guidance assembly of suspending a wheel set bearing (description p.5, l.26-28) to a bogie frame (4), comprising individual vertical-, lateral and longitudinal (resp. 8, 10, 10) guidance elements for independent guidance of the wheel set in vertical, lateral and longitudinal directions wherein the stiffness of each guidance element can be selected independently of the other guidance elements. Therefore, the subject-matter of Claim 1 differs from said prior art in that the longitudinal guidance element is longitudinally arranged wheel set linkage bar for connecting the bogie frame and the wheel set bearing flexibly to allow guidance of a turning movement of the wheels set on curved tracks.

Therefore, Claim is novel over **D1**, and meets the criteria of Article 33(2)PCT.

Considering that the bar (58) disclosed by **US-A-5,001,989** has no resilient elements in its connections and the hydraulic means (74) disclosed by the same document is a dampening means, not a flexible one, it appears that the combination of the aforesaid document with **D1** would not lead to the subject-matter of Claim 1. The latter, thus meets the criteria of inventive step in accordance with Article 33 PCT.

The subject-matter of Claim 1 is industrially applicable as well,

3. DEPENDENT CLAIMS: Being dependent on Claim 1, claims 2 to 13 also meets the criteria of Article 33 PCT.

Claim 14 refers to figures and is therefore not allowable; furthermore, the word substantially is vague and would render the scope of the claim indefinite.

II CLAIMS 15-20

1. NOVELTY: The bogie according to Claims 15 and 16 meet the criteria of Article 33 PCT, provided they do not refer back to non allowable Claim 14.

The bogie according to Claim 17 is not allowable for the same reasons as for Claim 14.

The method according to Claim 18 lacks novelty over **D1**. The method according to Claim

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(SEPARATE SHEET)**

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19 meets the criteria of Article 33 PCT provided it does not refer back to Claim 14. Claim 20 is not allowable for the same reasons as for claims 14 and 17.